

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1344

AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-3-1.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) There is created a fund known as the industrial rail service fund. The fund shall consist of money distributed to the fund by IC 6-2.5-10-1 and IC 8-3-1.5-20. Amounts held in the fund may only be used to do the following:

- (1) Provide loans to railroads that will be used to purchase or rehabilitate real or personal property that will be used by the railroad in providing railroad transportation services.
- (2) Pay operating expenses of the Indiana department of transportation, subject to appropriation by the general assembly.
- (3) ~~Make a grant to serve as local matching funds in carrying out a demonstration project for the relocation of railroad lines from the central area of a city by the Federal Highway Administration under Section 163 of the Federal-Aid Highway Act of 1973 (P.L.93-87), as amended.~~ **Provide fifty thousand dollars (\$50,000) annually to the Indiana department of transportation for rail planning activities. Money distributed under this subdivision does not revert back to the state general fund at the end of a state fiscal year.**
- (4) Provide money for the high speed rail development fund under IC 8-23-25.
- (5) Provide grants to a railroad owned or operated by a port



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authority established under IC 8-10-5.

(6) Make grants to a Class II or a Class III railroad for the rehabilitation of railroad ~~tracks~~: **infrastructure or railroad construction.**

(b) This subsection is effective until July 1, 1995: A grant made under subsection (a)(3) may not exceed forty percent (40%) of the gross sales and use tax receipts deposited in the fund (under IC 6-2.5-10-1) during the fiscal year preceding the fiscal year in which the grant is made:

(c) This subsection is effective after July 1, 1995: A grant made under subsection (a)(3) may not exceed twenty-five percent (25%) of the gross sales and use tax receipts deposited in the fund (under IC 6-2.5-10-1) during the fiscal year preceding the fiscal year in which the grant is made:

~~(d)~~ **(b)** A grant made under subsection (a)(5) may not exceed twenty percent (20%) of the gross sales and use tax receipts deposited in the fund under IC 6-2.5-10-1 during the fiscal year preceding the fiscal year in which the grant is made.

~~(e)~~ No demonstration project may receive more than one ~~(1)~~ grant under subsection (a)(3) in any fiscal year:

~~(f)~~ **(c)** A grant program under subsection (a)(6) must:

- (1) provide a grant to a recipient of not more than seventy-five percent (75%) of the cost of the project; and
- (2) require a grant recipient to pay for not more than twenty-five percent (25%) of the cost of a project.

SECTION 2. IC 8-6-7.7-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.1. (a) The railroad grade crossing fund is created.

(b) The railroad grade crossing fund may be used by the Indiana department of transportation for the following purposes:

- (1) To carry out the provisions of this chapter.
- (2) For passive railroad crossing safety improvement projects **by a unit of government, including:**
 - (i) illumination;**
 - (ii) pavement markings;**
 - (iii) median barriers;**
 - (iv) signage; and**
 - (v) other safety improvement measures.**
- (3) For passive railroad crossing safety projects submitted by railroad companies, including:
 - (i) illumination;**
 - (ii) sight obstruction removal;**



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- (iii) signage;
- (iv) reflectorized taping; and
- (v) other safety improvement measures.

(c) Notwithstanding subsection (b), an entity undertaking a passive railroad crossing safety project under this section shall pay the cost of acquiring any easements required by the passive railroad crossing safety project and shall be responsible for the maintenance and operation of the completed project.

~~(c)~~ **(d)** The balance of money in the railroad grade crossing fund does not revert to the state general fund at the close of any fiscal year but remains available to the Indiana department of transportation.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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HEA 1344 — Concur+

